

1 BILL LOCKYER, Attorney General  
of the State of California  
2 MARGARET A. LAFKO  
Supervising Deputy Attorney General  
3 RITA M. LANE, State Bar No. 171352  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
  
6 P.O. Box 85266  
San Diego, CA 92186-5266  
7 Telephone: (619) 645-2614  
Facsimile: (619) 645-2061  
8  
9 Attorneys for Complainant

10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 BEHNAZ BEHZADI NEJAD TAHVILDARI  
5402 Sain Mary Circle  
15 Westminster, CA 92683

16 Registered Nurse License No. 426788

17 Respondent.

Case No. 2007-252  
**ACCUSATION**

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
23 Department of Consumer Affairs (Board).

24 2. On or about June 30, 1988, the Board issued Registered Nurse License  
25 Number 426788 to Behnaz Behzadi Nejad Tahvildari (Respondent). The license will expire on  
26 January 31, 2008, unless renewed.

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

9  
0  
1  
2  
3  
4  
5  
6  
7  
8

0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8

7  
8

8

## REGULATORY PROVISIONS

9. California Code of Regulations (CCR), title 16, section 1442, states:

As used in Section 2761 of the code, "gross negligence" includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

10. CCR section 1443, states:

As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

11. CCR section 1443.5 states:

A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided.

///

///

1 DRUGS

2 12. Oxytocin, trade name Pitocin, is a hormone made in the brain that plays a  
3 role in childbirth causing muscles to contract in the uterus.

4 13. Nubain is a synthetic narcotic pain reliever commonly used in labor and  
5 delivery.

6 14. Stadol, also known as Butorphanol, is a narcotic pain reliever used as an  
7 aid to anesthesia during labor and delivery.

8 15. Terbutaline, trade names of Brethine, Bricanyl, or Brethaire, is a drug used  
9 in pregnancy to slow or stop labor.

10 FACTS

11 16. On April 4, 2000, at approximately 1:28 a.m., patient M.C was admitted to  
12 the Labor and Delivery Unit of Western Medical Center in Santa Ana, California for the delivery  
13 of her baby.

14 17. On April 4, 2000, there was a physician's order from Dr. F. for the use of  
15 Oxytocin (Pitocin) to induce and augment labor contractions for patient M.C.

16 18. On April 4, 2000, at approximately 7:15 a.m., Respondent came on duty at  
17 Western Medical Center and took over the care of patient M.C.

18 19. At approximately 7:30 a.m., Dr. F checked on patient M.C. and found that  
19 she was progressing normally.

20 20. At approximately 8:05 a.m., Respondent administered to patient M.C. the  
21 medication Stadol, without a physician's order. The pain medication that had been ordered for  
22 patient M.C. was Nubain.

23 21. At approximately 12:30 p.m., Dr. F examined patient M.C. and ruptured  
24 patient M.C.'s membrane to expedite the labor.

25 22. Throughout the day, Respondent repeatedly increased the dosages of  
26 Pitocin for patient M.C. without consulting Dr. F.

27 ///

28 ///

1                   23.     At approximately 3:00 p.m., patient M.C. complained of a burning  
2 sensation in her abdomen to Respondent. Respondent told patient M.C. that she was being  
3 paranoid.

4                   24.     At approximately 4:20 p.m., Respondent administered Ampicillin to  
5 patient M.C. without documenting it on the Medication Administration Record.

6                   25.     At approximately 4:50 p.m. Respondent instructed patient M.C. to push.  
7 Respondent failed to notate in the medical chart that she instructed the patient to push and failed  
8 to notify Dr. F before she instructed the patient to push.

9                   26.     During patient M.C.'s labor, Respondent used fundal pressure on patient  
10 M.C. to try to push the baby out. Dr. F did not order or authorize Respondent to use fundal  
11 pressure on patient M.C.

12                  27.     A registered nurse is not to use fundal pressure on a patient unless a  
13 physician orders or authorizes it.

14                  28.     The fetal heart rate monitor strips for patient M.C. show that her baby  
15 began to be in distress at approximately 5:20 p.m. Respondent did not call Dr. F at that time.

16                  29.     At approximately 5:30 p.m., Dr. F received a call from her office that  
17 patient M.C.'s baby was in distress.

18                  30.     At approximately 5:35 p.m., Respondent administered to patient M.C. the  
19 medication Terbutaline, without a physician's written order.

20                  31.     When Dr. F arrived at the hospital, she found the baby in distress and  
21 performed an emergency cesarean section on patient M.C. at approximately 5:50 p.m.

22                  32.     During labor, patient M.C.'s uterus ruptured. When Dr. F opened patient  
23 M.C. to do the cesarean section, she found the baby outside of the uterus.

24                  33.     The baby was delivered limp, hypotonic and with no heart rate. Active  
25 cardiopulmonary resuscitation was performed and the baby was resuscitated after endotracheal  
26 intubation, intravenous and intratracheal medications, and volume boluses. The baby's Apgar  
27 scores were 0 at one minute, 3 at five minutes, and 6 at ten minutes.

28     ///

1                   34.     Patient M.C.'s baby was born with severe brain damage.

2                                   FIRST CAUSE FOR DISCIPLINE

3   (Gross Negligence)

4                   35.     Respondent is subject to disciplinary action pursuant to Code section  
5 2761, subdivision (a)(1), on the grounds of gross negligence in carrying out licensed nursing  
6 functions. On or about April 4, 2000, while on duty as a licensed registered nurse in the Labor  
7 and Delivery Unit at Western Medical Center, Respondent was guilty of gross negligence in the  
8 care of patient M.C. within the meaning of CCR section 1442, when Respondent used fundal  
9 pressure on patient M.C. while she was in labor, without the direction and supervision of an  
10 obstetrician.

11                                   SECOND CAUSE FOR DISCIPLINE

12   (Incompetence)

13                   36.     Respondent is subject to disciplinary action pursuant to Code section  
14 2761, subdivision (a)(1), on the grounds of incompetence in carrying out licensed nursing  
15 functions. On or about April 4, 2000, while on duty as a licensed registered nurse in the Labor  
16 and Delivery Unit of Western Medical Center, Respondent was guilty of incompetence in the  
17 care of patient M.C., within the meaning of CCR section 1443, as follows:

18                           a.     Respondent was incompetent when she inaccurately assessed the fetal  
19 heart rate of patient M.C.'s baby and therefore did not implement proper nursing interventions  
20 during the care of patient M.C. and her baby.

21                           b.     Respondent was incompetent in the documentation of the fetal heart rate  
22 assessment of patient M.C.'s baby in that there was no documentation of the fetal heart rate or  
23 uterine contractions between 2:00 p.m. and 3:00 p.m. The last documentation of the fetal heart  
24 rate on the labor flow sheet was at 5:30p.m., 20 minutes prior to the delivery. Respondent failed  
25 to follow hospital administrative policy and procedures by failing to assess uterine contraction  
26 frequency, duration, intensity and resting tone every 30 minutes.

27                           c.     Respondent was incompetent in not notifying the physician of the baby's  
28 distress until 4-5 minutes into the fetal bradycardia.

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Negligence Regarding Medication)

3 37. Respondent is subject to disciplinary action pursuant to Code section  
4 2761, subdivision (a), on the grounds of unprofessional conduct in carrying out licensed nursing  
5 functions. On or about April 4, 2000, while on duty as a licensed registered nurse in the Labor  
6 and Delivery Unit at Western Medical Center, Respondent was negligent in the care of patient  
7 M.C. as follows:

8 a. Respondent was negligent for administering medication to patient M.C.  
9 without a physician's order when she administered Stadol to patient M.C.

10 b. Respondent was negligent in not documenting the administration of Stadol  
11 to patient M.C. on the Medication Administration Record.

12 c. Respondent was negligent for administering medication to patient M.C.  
13 without a physician's written order when she administered Terbutaline to patient M.C.

14 d. Respondent was negligent in not documenting the administration of  
15 Terbutaline to patient M.C. on the Medication Administration Record.

16 e. Respondent was negligent when she failed to document the Pitocin rate  
17 increases on the labor flow sheet for patient M.C. at 8:37 a.m., 9:33 a.m., and 2:25 p.m.

18 f. Respondent was negligent in not documenting the administration of  
19 Ampicillin to patient M.C. at 4:20 p.m. on the Medication Administration Record.

20 FOURTH CAUSE FOR DISCIPLINE

21 (Unprofessional Conduct-Negligence/Practice Outside of Hospital  
22 Policy and Procedure and Physician's Orders)

23 38. Respondent is subject to disciplinary action pursuant to Code section  
24 2761, subdivision (a), on the grounds of unprofessional conduct in carrying out licensed nursing  
25 functions in that on or about April 4, 2000, while on duty as a licensed registered nurse in the  
26 Labor and Delivery Unit at Western Medical Center, Respondent was negligent in the care of  
27 patient M.C. when she practiced outside of the hospital's policies and procedures and physician's  
28 orders as follows:

1 a. Respondent was negligent when she failed to follow the physician's orders  
2 regarding the use of and increase of Pitocin to augment labor in patient M.C.

3 b. Respondent was negligent when she increased the Pitocin too frequently  
4 for patient M.C. in that the Pitocin was increased at 2:25 p.m. to 12mU/min then again increased  
5 at 2:45 p.m. to 13 mU/min contrary to physician's orders.

6 c. Respondent was negligent when she increased the Pitocin for patient M.C.  
7 despite patient M.C.'s adequate labor pattern, adequate progress, and non-reassuring fetal heart  
8 rate tracing which was contrary to Western Medical Center's policy and procedures.

9 **AGGRAVATING FACTORS**

10 39. Patient M.C.'s uterus was ruptured during labor and her baby was born  
11 with severe brain damage.

12 **PRAYER**

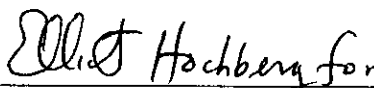
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 426788, issued  
16 to Behnaz Behzadi Nejad Tahvildari;

17 2. Ordering Behnaz Behzadi Nejad Tahvildari to pay the Board of Registered  
18 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to  
19 Business and Professions Code section 125.3; and

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: April 2, 2007

22  
23   
24 RUTH ANN TERRY, M.P.H., R.N.  
25 Board of Registered Nursing  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Tahvildari Acc2.wpd